IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

Bail Appl..No. 7079 of 2007()

PETITIONER

ARUN R.CHANDRAN,S/O.LATE RAMACHANDRAN NAIR, GOURI SANKAR, T.C.17/1025, POOJAPPURA, THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE KARAMANA POLICE STATION THIRUVANANTHAPURAM PIN 695 002.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7079 OF 2007

Dated this the 29th day of November, 2007

ORDER

Application for anticipatory bail. The petitioner runs an educational institution by name “Kerala Institute of Management Studies” - (KIMS). He apprehends arrest in a crime registered alleging the commission of offences punishable under Secs.406 and 420 of the IPC by him.

2. The crux of the allegations against the petitioner is that he deceived the students who joined the institution. Huge amounts - totaling Rs. 6.5 lakhs, were allegedly collected from various complainants towards tuition fee etc., for undertaking the course in `Fashion Technology' offered by the institution run by the petitioner. It is contended that the petitioner was not running any regular educational institution; but he was running an institution to prepare the students for writing

examination of a University conducted under the Distance Education Scheme. The victims were led to believe that it was a regular educational institution. This, in short, is the contention raised.

3. The learned counsel for the petitioner submits that the complaint is ill-motivated. A batch of students has been admitted. The alleged victims are persons who were sent out of the institution on account of improper conduct. Thereafter, they have chosen to make false, vexatious and fanciful allegations against the institution and the petitioner. There are absolutely no elements of the offence of cheating or misappropriation. The petitioner's institution - `KIMS', is an approved learning centre of the Punjab Technical University. A Distance Education Course is run in `Fashion Technology' by the said University and the petitioner's institution – KIMS, Trivandrum, is an approved learning centre of the said University. There is no wilful misrepresentation or fraudulent suppression of any relevant information. The petitioner may not, in these circumstances, be subjected to the undeserved trauma of arrest and detention. He may be granted anticipatory bail, submits the learned counsel for the petitioner.

4. The learned Public Prosecutor does not oppose the

application. I have perused the Case Diary. In the facts and circumstances of this case to which I have already made a brief reference above, I am satisfied that the petitioner can be granted anticipatory bail subject, of course, to appropriate conditions which shall ensure the interests of a fair, efficient and expeditious investigation.

5. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 6/12/07. He shall be released on regular bail on his executing a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 7/12/07 and 8/12/07 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of one month. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 6/12/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.50,000/- without any sureties undertaking to appear before the learned Magistrate on 6/12/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge